S.B. CIVIL WRIT PETITION NO.5183/2004.
(MOHAMMAD ASAD VS. STATE OF RAJASTHAN & ORS.)

DATE OF ORDER : 04.04.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr.Pankaj Bohra for the petitioner.
Mr.Shyam Ladrecha, AGA, for the respondents.

The petitioner while holding the post of Sub-Nakedar with the Municipal Board, Nagaur was declared surplus and under an order passed by the Dy. Director (Regional), Department of Local Self Government, Ajmer, was absorbed as Sahayak Parcha Vitrak-cum-Surveyor in the same Municipal Board. Claiming for absorption as Lower Division Clerk instead of Sahayak Parcha Vitrak-cum-Surveyor, the petitioner preferred a revision petition under Section 300 of the Rajasthan Municipalities Act, 1959 before learned Minister for the Local Self Government, Government of Rajasthan, Jaipur and the same by order dated 16.07.2003 came to be dismissed on the count that the absorption was rightly made on a post equivalent to the post of Sub-Nakedar. Being aggrieved by the same, this petition for writ is preferred.

While giving challenge to the order dated 16.07.2003, it is contended by learned counsel for the petitioner that the learned Minister failed to appreciate that the

Government of Rajasthan under an order dated 31.03.2000 instructed for absorption of eligible Naka Guards / Sub Nakedar/ Nakedar as Lower Division Clerk. It is further contended that there are other Sub-Nakedars who are absorbed as Lower Division Clerk on being declared surplus.

A reply to the writ petition has been filed on behalf of the respondents stating therein that no vacant post of Lower Division Clerk was available with the Municipal Board, therefore, the petitioner was absorbed on a post equivalent to the post of Sub- Nakedar.

Heard learned counsel for the parties.

I do not find any force in the contentions raised by the learned counsel for the petitioner. The petitioner along with 9 other similarly situated Sub-Nakedars was absorbed on the post equivalent under an order dated 18.03.2000. The communication dated 31.03.2000 on which reliance is placed by the petitioner pertains to Municipal Board, Nokha and the background for giving direction to absorb Naka Guards / Sub Nakedar/ Nakedar as Lower Division Clerk with the Municipal Board, Nokha are not known. Beside that the petitioner is in employment of Municipal Board, Nagaur, where no Sub-Nakedar

was absorbed as Lower Division Clerk. The instances of the employees who have been absorbed as Lower Division Clerk does not pertain to the Municipal Board, Nagaur. A specific statement is given on behalf of Municipal Board, Nagaur that no post of Lower Division Clerk was available with it at the time of absorption of the petitioner as Sahayak Parcha Vitrak-cum-Surveyor, as such there was no question of absorbing the petitioner as Lower Division Clerk.

In view of whatever discussed above, I do not find any error in the order passed by the learned Minister that may warrant interference of this Court. Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR)J.

Anil/